STATE BOARD OF OPTOMETRY
NEWSLETTER

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Letter From the President

As President of the Board, I want to take this opportunity to talk to you about continuing education requirements for renewal of a license. The Board completed another two-year renewal cycle in 2004. Unfortunately, some of the same issues that the Board addressed with its first two-year renewal in 2002 came up again in 2004. After just completing the continuing education audit, the most common problem we are still experiencing is that licensees are not earning their continuing education hours as required by law.

Section 336.080, RSMo, requires that "Every registered optometrist who continues in active practice or service shall, on or before the renewal date, renew his certificate of registration and pay the required renewal fee and present satisfactory evidence to the state board of optometry of his attendance for a minimum of eight hours each year during the preceding licensing period at educational optometric programs, or their equivalent, that have been approved by the board."

Board rule 4 CSR 210-2.030 (5) requires that "Every optometrist currently licensed in Missouri shall obtain, during each continuing education reporting period, a minimum of sixteen (16) hours of approved continuing education (herein "C.E." credits) relevant to the practice of optometry. A licensee shall obtain no less than eight (8) hours of approved continuing education during the first year of the continuing education reporting period and no less than eight (8) hours of approved continuing education in the second year of the reporting period." The reporting period is defined by rule to begin on September 1 and end on August 31 of each even-numbered year. For the 2004 renewal, the continuing education reporting period was September 1, 2002 through August 31, 2004. To renew an optometry license by October 31, 2004, the licensee was required to earn eight (8) hours of approved continuing education between September 1, 2002 through August 31, 2003 and another eight (8) hours from September 1, 2003 through August 31, 2004, a total of sixteen (16) hours.

Despite the Board's best efforts to educate licensees regarding the continuing education requirements, we still have over 20 cases of non-compliance from the 341 audits completed in early 2005. These cases will be reviewed by the Board when it meets in July. The Board must decide the appropriate action to pursue in these cases. The Board has previously reported that disciplinary action was pursued against licensees for failure to comply with the mandatory continuing education requirements. Currently, there are 6 optometrists whose license has been disciplined for continuing education violations.

For renewal in 2006, please remember that you must earn a total of sixteen hours of approved continuing education. Eight (8) hours must be earned during the period beginning September 1, 2004 through August 31, 2005 and eight (8) hours must be earned beginning September 1, 2005 through August 31, 2006. For good cause, licensees can qualify for an extension of time to earn continuing education credits, or may qualify for a continuing education waiver. To qualify, the licensee must request an extension of time or an exemption from the continuing education requirements in writing, and the request must be received in the Board office so that it can be considered by the Board before the end of the reporting

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MISSOURI
DEPARTMENT OF ECONOMIC DEVELOPMENT

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period. As indicated above, the reporting period is the two year period beginning on September 1 and ending on August 31st of the renewal year. If a licensee has good cause and wants to request an extension of time or an exemption of the continuing education requirements, the written requests must be received in the Board office each year prior to the Board's July meeting.

Another issue with regard to continuing education is that the required number of hours, not only has to be within the stated time periods, but the hours must also be Board approved. Several of the issues the Board will be addressing at its July meeting involve optometrists who have earned continuing education hours within the required time frame but the hours were not pre-approved by the Board. There is a complete list of sponsors that are automatic providers of continuing education in the Board's rule. See 4 CSR 210-2.030 (10). If a licensee wants to attend a program that is not on the list of the Board's approved providers, the provider must provide copies of the program schedule and outline to the Board at least sixty (60) days prior to the date of the program. There is also a $25 sponsor fee required but that fee is good for as many programs as the provider wants to submit to the Board during the reporting period that the fee was paid.

We hope you find this information useful but, please do not hesitate to contact the Board office with any questions. Our staff will be happy to assist you.

Sincerely,

Danny D. Nestleroad, O.D.

MESSAGE FROM DIVISION DIRECTOR

Greetings!

My name is Alison Craighead and I was recently confirmed as Director of the Division of Professional Registration. Prior to my confirmation, I served as the Political Affairs Coordinator for the American Association of Nurse Anesthetists and as the Manager of Government and Political Affairs for the American Dietetic Association in Washington, DC.

As can be expected with any new administration, there are many changes currently taking place within state government. In an effort to make state government more effective, fiscally responsible and service oriented, Governor Blunt has created the Government Reform Commission and charged them with conducting a full review of state government in order to identify opportunities to restructure, reduce or eliminate state government functions. The Division of Professional Registration began meeting with designated members of the new Government Reform Commission in April.

Also, processes are already underway to consolidate Missouri's information technology systems. Staff members at the Division of Professional Registration are working to ensure that the transition to a centralized IT department is as smooth as possible and that Professional Registration will continue to be able to develop and offer the best services possible to the professionals and public that we serve.

In the short time that I have been a part of Professional Registration, I have enjoyed learning about the various professions housed within the division and look forward to working with many of you during my service as division director.

Sincerely,

Alison Craighead

Alison Craighead

Next Board Meeting

The next meeting of the Missouri State Board of Optometry is scheduled on Thursday, July 14, 2005. The meeting will be held at the Country Club Hotel in Lake Ozarks, Missouri.

The Board meets three times a year, generally in February, July, and October. The October meeting is scheduled on October 6, 2005, in Branson, Missouri. For information regarding meeting locations or agenda items, please feel free to contact the Board's Central Office as it gets closer to the meeting date, or visit our web site. The address is on the inside cover of this newsletter.

NEW BOARD APPOINTEE

Michael L. Nichols, O.D.

On April 27, 2005, Governor Matt Blunt appointed Dr. Michael L. Nichols to the Missouri State Board of Optometry. Dr. Nichols is in private practice in Columbia, Missouri. He graduated Magna Cum Laude from the University of Houston, School of Optometry in 1977. Dr. Nichols is a Fellow of the American Academy of Optometry where he has served as Missouri Chapter President and Chaired a Regional Admittance Committee. He has been a long term member of the American Optometric Association and was a 1997 nominee for Optometrist of the Year.

During his career he has participated in numerous professional organizations including the American Optometric Foundation, Central Missouri Optometric Association, Heart of America Contact Lens Society, Missouri Eye Care Alliance, Missouri Optometric Foundation, Northeast Missouri Optometric Society, North Central States Optometric Council and the Missouri Optometric Association (MOA). He served as President of MOA and was voted the Missouri Optometrist of the Year in 1996. He has also served as President of the Heart of America Contact Lens Society.

Dr. Nichols has been involved in various community and church activities. He is married to Pam and has two children, Brandy and Ross, and two granddaughters Jordan and Sady.

Dr. Nichols replaces Dr. Carter Glass who resigned from the Board last year and moved to the Caribbean where he now owns and operates a small hotel in St. Maarten. The Board congratulates Dr. Nichols on his appointment and wishes Dr. Glass all the best in his new career.

New Disabled Person Plate/Placard Legislation

Effective January 1, 2005, Senate Bill 1233 revised Missouri law regarding the issuance and use of disabled person license plates and placards. The implementation will occur in two phases during 2005:

- Effective January 1, 2005, the Department of Revenue (department) must obtain a physician's statement no more than 90 days old from every applicant who is issued a new disabled person placard or license plate.
- Applicants **renewing** disabled person placards or plates on or after August 1, 2005, and every four years thereafter, must provide a new physician's statement not more than 90 days old. For example, an applicant presenting a physician's statement in 2005 will be required to provide another physician's statement in 2009.

Physician's Statement

Section 301.142.1, RSMo, allows licensed physicians, chiropractors, podiatrists and optometrists to certify individuals as being physically disabled for the purpose of obtaining disabled person license plates and placards. These authorized health care practitioners may furnish disabled persons a statement for only those health care conditions for which they are authorized to treat. This certification must be completed by using the department's Physician's Statement for Disabled Person's Plates/Placard (DOR-1776).

The newly revised form DOR-1776 is available by accessing the department's website at http://dor.mo.gov/, or you may order the revised forms online at http://dor.mo.gov/mvdl/motorv/forms/, by writing to Driver and Vehicle Services Bureau, P.O. Box 100, Jefferson City, Missouri 65105-0100, or by calling (573) 751-4509. If you are not currently using the new DOR-1776 form, you need to start now. Each physician's statement must contain the specific diagnosis that renders the person physically disabled, the physician's license number, and be signed **personally** by the physician, chiroprac-

tor, podiatrist or optometrist.

Note: Any forms received with a rubber stamped signature or a signature of a nurse, nurse practitioner, or physician's assistant are not acceptable and will be rejected by the department.

Under the new law, age, in and of itself, shall not be a factor in determining whether a person is physically disabled or entitled to receive a disabled person license plate/placard. The term "physically disabled" is defined by statute as:

"a natural person who is blind, as defined in section 8.700, RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; . . ."

Record Keeping

The law establishes new record keeping requirements for physicians, chiropractors, podiatrists and optometrists who issue physician statements. A copy of the signed physician's statement must be maintained in the disabled person's medical chart along with sufficient documentation to objectively confirm that the designated disability exists. Such records shall be available for inspection to the practitioner's licensing board, the Department of Revenue and appropriate law enforcement officers. Such records shall be confidential unless required to be disclosed by law.

Penalties

- Physicians, chiropractors, podiatrists and optometrists will be guilty of a Class B misdemeanor if they issue, sign or furnish a physician's statement or certificate to enable a person to obtain disabled person license plates or windshield placards for any person who does not meet established conditions required by law, or if there is no basis for a diagnosis, or state a condition or diagnosis which is outside the scope of the provider's license. Please see the Form 1776 for more clarification of qualifying disabilities.

- Fraudulent procurement or use of a disabled person license plate or placard is a Class B misdemeanor.

- A personal representative of a decedent who comes into possession of a disabled plate shall return the plate(s)/placard(s) to the Director of Revenue. Failure to do so is a Class A misdemeanor.

If you have any questions regarding the new law or need assistance obtaining forms, please contact the Driver and Vehicle Services Bureau in writing or by calling (573) 751-4509

Window Tinting - What's Legal

Information regarding window tinting and what's legal is available from the Missouri State Highway Patrol. The Highway Patrol publishes a pamphlet on the most asked questions about window tinting. To request a copy, you can e-mail them at mshppied@mshp.state.mo.us. According to the information available, Missouri law allows window tint on the windows to the immediate right and left of the driver of 35%, plus or minus 3%, or more light transmittance. Any tint with less light transmittance on these windows would require a physician's prescription indicating a serious medical condition requiring the darker tinting.

A permit is required to operate a vehicle with tinting applied to the windows to the immediate right and left of the driver with less light transmittance than 35%, plus or minus 3%. The permit is issued by the Highway Patrol if the applicant requesting the permit has obtained a written prescription in the name of the vehicle owner from a physician, issued within one year stating the darker tinting is required. An optometrist is considered a physician under this law and can write the prescription. The Board could find no definition of what is considered a "serious medical condition". The decision of whether a person has a serious medical condition that would require the darker tinting is left up to the physician.

Windows behind the driver and the rear glass are not subject to tint limitations and tinting these windows does not require a permit. The windshield cannot be tinted under any circumstances except that portion of the top, which is normally tinted by the vehicle manufacturer.

A window tinting permit allows operation of the vehicle by the vehicle owner and members of the immediate family who are a husband, wife, son or daughter residing in the household. Persons operating a leased vehicle can qualify for a permit. The criteria for the permit are the same. In addition, the vehicle registration certificate must include the name of the person operating the leased vehicle, such as ACME Leasing c/o of John Doe.

From the Bureau of Narcotics and Dangerous Drugs

The Bureau of Narcotics and Dangerous Drugs (BNDD) published the following information to inform registrants of the most common violations of state and federal drug laws. Some of these points will not impact optometrists who hold BNDD and Drug Enforcement Administration (DEA) registrations because optometrists are not allowed to maintain inventories of controlled substances for dispensing or administering. For those points that do impact optometry, the Board is distributing this information in an attempt to avoid problems for licensed optometrists. The Board reminds all optometrists that their optometry license is subject to disciplinary action pursuant to Section 336.110.2 (15), RSMo, for any violation of the drug laws or rules and regulations of this state, any other state or the federal government.

MOST COMMON VIOLATIONS
Bureau of Narcotics & Dangerous Drugs

1. **Automatic termination of registration because registrant changed addresses and did not notify the Bureau.** If a registrant changes practice location, they must notify the Bureau within 30 days or their registration automatically terminates.

2. **Failure to maintain an annual inventory.** All controlled substances on hand must be inventoried and recorded annually.

3. **Controlled substance prescriptions not documented in patient files.** All controlled substance activities must be recorded in the patient files.

4. **Inaccurate or failure to maintain a separate dispensing log.** If you dispense controlled substances, a separate log, separate from the patient charts must be maintained with all of the required information.

5. **Unwanted controlled substances destroyed by the practitioner.** Unwanted controlled substances not contaminated by patient contact, must be sent to a reverse distributor.

6. **Failure to maintain receipts for controlled substances received.** Receipts must be kept to account for all controlled substances received whether purchased or received as samples.

7. **Dispensing controlled drugs in unapproved containers or without the required labeling and warning stickers.** Plastic bags and envelopes are not allowed.

8. **Failure to document all the information required on a prescription.** Practitioners sometimes fail to write the patient's address.

9. **Failure to document Schedule II drugs received on the third copy of a DEA Form 222 Order Form.**

10. **The general citation of "inadequate security to prevent or detect diversion."** This can be for allowing unauthorized people access to drugs, having records in a condition that drugs cannot be inventoried, or allowing an employee access to drugs without checking their criminal history.

HOW TO CONTACT THE BUREAU:
Bureau of Narcotics and Dangerous Drugs
P.O. Box 570
Jefferson City, MO 65102-0570
Phone: (573) 751-6321
Fax: (573) 526-2569
BNDD Web site: www.dhss.state.mo.us/BNDD
DEA Web site: www.deadiversion.usdog.gov

Lapsed Licenses

The following list contains the names of optometrists who did not renew their Missouri optometry license for the period of November 1, 2004 through October 31, 2006. The purpose of publishing this list is to inform licensed optometrists of those whom may be practicing without a current and valid license. An attempt has been made to notify every person on this list of the status of his or her license. If there is anyone on this list who is believed to be practicing in Missouri, please notify the State Board of Optometry immediately.

Missouri Residents

Dr. John Barbour
Dr. Larry Brown
Dr. William Burk
Dr. Billy Campbell
Dr Shu Chen
Dr. Elton Gumbel
Dr. Jack Hunt
Dr. Margaret Read
Dr. Payal Shah
Dr. Jina Son
Dr. Krista Swenson
Dr. Xuan-mai Ta

Out-of-State Residents

Dr. Jerimiah Baumfalk
Dr. Julie Kueker
Dr. Mitchell Petit
Dr. Jeffrey Johnson
Dr. Andrew Kluka
Dr. Christine Lochhead
Dr. Reid Misna
Dr. Christopher Franken
Dr. Paul Jernigan
Dr. Jamie Jinks
Dr. Dytarsha Taylor
Dr. Kevin Langel

Out-of-State Residents Cont.

Dr. Harry King
Dr. Angela Abraham-Nichols
Dr. Tassi Douglas
Dr. Leslie Kliethermes
Dr. Carolyn Merrifield
Dr. Nguyen Tran
Dr. Janet Nelson-Gordon

Continuing Education Requirements for New Licensees

Since the renewal of licenses switched from every year to every other year, the Board has received questions from newly licensed optometrists regarding their continuing education requirements for their first renewal. The Board hopes to clear up any myths about continuing education requirements being exempt for new licensees in this article. What happens is that the Board recognizes the passage of the NBEO Part III examination to satisfy the continuing education requirements in the year the examination was taken. For example, if a new licensee passed the NBEO examination in April of 2005, becomes licensed in July of 2005, those licensees will renew on or before October 31, 2006. The continuing education reporting period for the 2006 renewal is September 1, 2004 through August 31, 2006. Eight hours of approved continuing education must be earned each year of the continuing education reporting period. Therefore, for the first year of the reporting period (September 1, 2004 through August 31, 2005), new licensees can use their April 2005 NBEO Part III passing score report to satisfy their continuing education requirements. They still must earn eight hours of approved continuing education during the second year of the continuing education reporting period (September 1, 2005 through August 31, 2006) to qualify for renewal on or before October 31, 2006.

It is also important to note that any new license issued by the Board in a renewal year must be renewed on or before the license expiration date. For example, optometrists who are issued a new license in July of 2006 will be required to renew that license on or before October 31, 2006. There are no continuing educational requirements to renew that license because the new licensee was in school during most of the continuing education reporting period. The Board suggests that new graduates who do not need to start working before October 31st, wait until November 1 to apply for their new license.

Moving? Please notify the board office of your new address.

Name: _____

Profession: _____

License Number: _____

Old Address: _____

_____

New Address: _____
(P.O. Box must be accompanied by your physical address)

_____

Signature: _____

Date: _____

Mail to:

State Board of Optometry
3605 Missouri Boulevard, P.O. Box 1335
Jefferson City, MO 65102

Missouri Department of Economic Development
Division of Professional Registration
State Board of Optometry
3605 Missouri Boulevard
PO Box 1335
Jefferson City MO 65102

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PAID
PERMIT NO. 237
Jefferson City MO